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Attorneys for Defendant Sandy City

IN THE UNITED STATES DISTRICT COURT UTAH

STATE OF UTAH, NORTHERN DIVISION

ALLEN ANDERSEN, an individual;
NXLEVEL NETWORK, LLC, a Utah limited
liability company; JESSICA ZIMMERMAN, an
individual; ROBERT GURNEY, an individual;
AMY HODGSON, an individual; and JOHN
DOES 1-99,

Plaintiffs,

v.

STATE OF UTAH; UTAH DEPARTMENT
OF HEALTH AND HUMAN SERVICES;
JEFFREY S. HARRIS, an individual; GERALD
GANSEY, an individual; DRAPER CITY;
VIVIEN PEARSON, an individual; DAVID
BERNAL, an individual; WEST JORDAN
CITY; BRETT SU'A, an individual;
RIVERDALE CITY; SANDY CITY; and
WEST VALLEY CITY,

Defendants.

DECLARATION OF JAMES SORENSEN

Civil No. 1:16CV00005

Judge Clark Waddoups

Magistrate Judge Dustin B. Pead

I, James Sorensen, declare and state as follows:

1. I am over the age of 21, of a sound mind and capable of making this declaration.
2. I testify to all matters herein from personal knowledge.
3. I am the Director of Community Development for Sandy City, a defendant in the above captioned matter. My job responsibilities and the responsibilities of the Community Development Department include accepting and processing applications for land use and zoning approvals, including applications from operators of sober living houses or other residential treatment facilities seeking reasonable accommodation from City ordinances otherwise limiting the number of unrelated persons allowed to live together in residential zones.
4. With the assistance of the City's IT personnel, I have searched the electronically stored information kept in the Community Development files as well as hard copy files and records. We attempted to identify any and all email or other correspondence between the Community Development Department and Ted McBride (ted.mcbride@vf-law.com and Tedmcbride13@gmail.com) and Allen Andersen (smartsoberliving@gmail.com and allenandersenut@gmail.com) from July 19, 2018 to the present.
5. We located an email from City Planner Wade Sanner to Ted McBride, dated July 19, 2018, a true and correct copy of which is attached hereto as Exhibit A. This email is stored in the City's files and has been and continues to be kept in the ordinary course of the Department's business.
6. After the email attached as Exhibit A, the Community Development Department has no record of any communications from Mr. McBride or Mr. Andersen; and no record either Mr. McBride or Mr. Andersen paid the fee required by City ordinance in order to process any application.

7. Over the years, the City has processed and granted applications for reasonable accommodation from other operators of similar facilities. Similar facilities currently operate within Sandy City limits.

I declare under criminal penalty under the law of Utah that the foregoing is true and correct.

Signed on this 26 day of April, 2019, in Sandy, Utah.


/s/ 
JAMES SORENSEN
Director of Community Development for Sandy
City

Exhibit “A”

Wade Sanner

From: Wade Sanner
Sent: Thursday, July 19, 2018 2:36 PM
To: ted.mcbride@vf-law.com
Cc: Brian McCuiston; Darien Alcorn
Subject: RE: Andersen Applications requesting a reasonable accommodation

Ted,

I received your application information for your client Allen Anderson. I am writing to make you aware that we will not begin our review until the fee for reasonable accommodation is paid, and staff receives written permission from the property owner. The fee for a reasonable accommodation is a \$500. Since there are three different properties with three separate applications, the total fee for Mr. Anderson's applications is \$1,500. Feel free to contact me at the number/email listed below to discuss payment type or any questions you may have.

Thanks,

Wade



sandy.utah.gov

Wade Sanner, AICP
Planner

10000 S. Centennial Pkwy. | Sandy, UT 84070
o: 801.568.7269
wsanner@sandy.utah.gov



From: Jody K Burnett <jkb@scmlaw.com>
Sent: Wednesday, July 18, 2018 5:25 PM
To: Wade Sanner <wsanner@sandy.utah.gov>
Cc: 'Ted McBride' <Ted.McBride@vf-law.com>; Darien Alcorn <dalcorn@sandy.utah.gov>
Subject: Andersen Applications requesting a reasonable accommodation

Wade,

I have been acting as an intermediary to facilitate the process for Allen Andersen and Braden Andersen to file a total of three (3) applications requesting a reasonable accommodation from the presumptive limits on the number of unrelated persons that may live together in a single family dwelling under the relevant provisions of the Sandy City Code. The applications are attached and involve single family dwellings at the following locations:

1. 10588 Golden Willow Drive;
2. 138 East 10600 South; and
3. 478 East Big Sky Drive.

In addition, the applicant has also provided certain financial information in support of those requests which is also attached. The Andersens are represented by attorney Ted McBride and I have copied him on this transmittal so that you will have his contact information. Mr. McBride's telephone # is (801) 355-9594. I have also copied Darien Alcorn from the Sandy City Attorney's office since it is my understanding that she will be representing the City in these proceedings.

Would you please initiate the process and coordinate with the Hearing Officer on scheduling. I will not have a role in those proceedings so there is no need to copy me on further communications.

Thanks for your assistance and feel free to contact me if you have any questions.

Jody

SNOW
CHRISTENSEN
& MARTINEAU

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